

PLEASE NOTE: ALL REPRESENTATIONS AND SUPPORTING EVIDENCE MUST BE SUBMITTED TO MANCHESTER CITY COUNCIL WITHIN 28 DAYS, STARTING THE DAY AFTER THE PREMISES IN QUESTION MAKES AN APPLICATION (TO FIND OUT THE CLOSING DATE CALL THE LICENSING UNIT ON 0161 234 4512)

ABOUT YOU		PLEASE NOTE: LICENSING OFFICERS, LICENSING COMMITTEE MEMBERS AND THE APPLICANT CAN VIEW THE INFORMATION PROVIDED ON THIS FORM
Your first name (required)	Your last name (required)	
Devon	Bennett	
Your address including postcode (required)		
Trading Standards Service 1 Hammerstone Road Manchester M18 8EQ		
Contact email address	Contact phone no	
Devon.bennett@manchester.gov.uk	0161 234 1540	

ABOUT THE PREMISES
Application Ref No. (if known):
LPA 274188
Name of the Premises about which you would like to make a representation:
Euro Market
Address of the Premises (including postcode if known):
402 Cheetham Hill Road, Manchester, M8 9LE

YOUR REPRESENTATION
Please outline your representation below and continue overleaf. This should be the likely effect of the grant of the licence / certificate on the licensing objectives on and in the vicinity of the premises in question. (Please continue on a separate sheet of paper if necessary)
<p>On the 5th April 2022 an intelligence log was received by the Trading Standards Service which stated that Euro Market, 402 Cheetham Hill Road, Manchester, M8 9LE was selling illicit tobacco products.</p> <p>On the 1st May 2022 the Trading Standards Service conducted a test purchase at the premises. The premises failed this test purchase and sold a packet of non-compliant cigarettes. The cigarettes failed to meet packaging and labelling requirements under the Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015. The cigarettes were sold by a member of staff from behind the till and the cigarettes were brought from a room at the rear of the shop.</p> <p>Following on from the test purchase, on the 23rd May 2022, the Trading Standards Service conducted a search warrant at the shop premises and at the flat above the shop premises. The result of the warrant found no illicit tobacco products in the flat or the shop premises. However, a CCTV request was submitted under the current premises licence. Present was the Designated Premises Supervisor, Barham Bakir Mohammed. It was noted that the CCTV does not cover the till area or the aisle next to the till leading to the back room. When asked, the DPS stated the camera for that area is on a different system. The DPS was then asked to show this camera and a specified date and time. The DPS responded stating he did not know how to work the system. A request was still put to the DPS to produce CCTV for a specified date and time, the DPS wrote this down and agreed to email me when this was completed.</p> <p>The requirement to supply tobacco products in plain packaging was introduced by The Standardised Packaging of Tobacco Products Regulations 2015. The Regulations make it a legal requirement that the only permitted colour for the external packaging of tobacco products is drab dark brown (Pantone 448C) with</p>

a matt finish. The legislation came into force on 20th May 2016 for new stock with a transitional provision that existing tobacco products already in the supply chain could be supplied for 12 months. From 20 May 2017 it has been a criminal offence to supply any tobacco products in packaging other than plain packaging. The maximum penalty for breaching the regulations on indictment is a fine and 2 years imprisonment. Note that the definition of supply includes possession for supply.

The Tobacco and Related Products Regulations 2016 require the presence of warning statements on tobacco products and requires the warnings to be in English. The regulations came into force on 20 May 2016 however the requirements for warnings to be in English were not new and had been required by the preceding legislation. The maximum penalty for breaching the regulations on indictment is a fine and 2 years imprisonment and again the definition of supply includes possession for supply.

Illicit tobacco is sold at a low price which encourages people to keep smoking while children and young people are often targeted by unscrupulous traders. The low selling price undermines the Government's campaign to reduce smoking prevalence through the use of taxation. HMRC estimate that the trade in illicit tobacco products cost the UK economy £2.5 billion in lost revenue lost in 2016-17 (£1.9 billion in tobacco duties and £0.6 billion in VAT).

In the Section 182 guidance point 11.27 states there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the Licensed Premises for the sale or storage of smuggled tobacco and alcohol.

This service brought the premises licence to review in 2021. The hearing which happened in December 2021 resulted in the revocation of the premises licence. The decision to revoke has since been appealed and is with the courts. No hearing has yet occurred.

Giving consideration to the above points the Trading Standards Service again asks that this application is refused on the grounds that the premises has continued to undermine the licensing objectives. Specifically, the prevention of Crime and Disorder.

Supporting Evidence: In addition to your own written / oral testimony to the Licensing Sub-Committee, you may wish to provide evidence to support your representation. You will need to show how this evidence relates to the premises in question. Examples of supporting evidence include oral testimony, written testimony, noise records, video or photographic material, crime and disorder data, other statistical data, reports etc.)

GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	PC Alan Isherwood
Address including postcode	1 st Floor Manchester Town Hall Extension Lloyd Street Manchester
Contact Email Address	alan.isherwood@gmp.police.uk
Contact Telephone Number	0161 856 6017

About the Premises

Application Reference No.	LPA 274188
Name of the Premises	Euro Market
Address of the premises including postcode	402, Cheetham Hill Road, Manchester M8 9LE

Your Representation

Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the licence on the licensing objectives on and in the vicinity of the premises in question.

Please accept this as formal notification of the Greater Manchester Police objection to the premises licence application in relation to the above premises on the grounds of Prevention of Crime and Disorder and Public Safety.

GMP have been made aware that on the 1st May 2022 Manchester City Council Trading Standards officers conducted a test purchase at the premises. The premises sold a packet of non-compliant cigarettes to an officer. The cigarettes failed to meet packaging and labelling requirements under the Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015. GMP have been informed that the cigarettes were sold by a member of staff from behind the till and the cigarettes were brought from a room at the rear of the shop.

Therefore GMP do not believe that the premises are upholding the licensing objectives or displaying the required honesty and integrity to be granted a Premises licence and we ask that the application is refused.





Licensing & Out of Hours Compliance Team - Representation

Name	Gemma Hunt
Job Title	Licensing & Out of Hours Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Hammerston Road, Gorton M18 8EQ
Email Address	gemma.hunt@manchester.gov.uk
Telephone Number	07817014958

Premise Details

Application Ref No	M274188
Name of Premises	Euro Market
Address	402 Cheetham Hill Road, Manchester, M8 9LE

Representation

Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.

The Licensing & Out of Hours (LOOH) Team have assessed the likely impact of the grant of the application taking into account the trading history at the premises.

The applicant currently holds a Premises Licence for this address, which was revoked in December 2021 due to the selling of illicit tobacco and is subject to an appeal.

In February 2022 the LOOH team investigated the premises for trading without a DPS. Under caution Bahram Mohammad confirmed that he has worked at the premises from October/ November 2021 as a staff member.

On the 1st May 2022, whilst this new application was within consultation, the premises failed a further test purchase, selling a packet of non-compliant cigarettes.

It is therefore evident that even after a change in ownership of the premises, to a staff member, the premises are still being used to sell illicit cigarettes.

S11.27 and S11.28 of the S182 guidance states that revocation of a licence should be seriously considered in the first instance for certain criminal activity including for the sale of smuggled tobacco. Therefore as these continuing offences have been committed before the licence has been granted, we ask that the licence is refused.

Recommendation:

Refuse Application